

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**P.R., a minor, who sues by  
and through her mother and next friend,  
TATUM RUUD; TATUM RUUD, as an  
individual,**

**Plaintiffs,**

**vs.**

**SEARS, ROEBUCK & CO., a corporation;  
ICON HEALTH & FITNESS, INC., et al.**

**Defendant.**

**CIVIL ACTION NO.:  
2:05cv640-WKW**

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**DEFENDANTS' SEARS, ROEBUCK & COMPANY AND ICON HEALTH &  
FITNESS, INC.'S RESPONSE TO PLAINTIFFS' MOTION TO REMAND**

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COME NOW, Defendants Sears, Roebuck & Company (hereinafter referred to as "Sears") and ICON Health & Fitness, Inc. (hereinafter referred to as "ICON") and respond to Plaintiffs' Motion to Remand as follows, to wit:

1. The Plaintiffs, on March 16, 2006, filed a Motion to Remand this matter to State Court on their assertion and affidavit of Plaintiffs' counsel that should a judgment be rendered in favor of the Plaintiffs at the trial of this cause for more than \$75,000 the Plaintiffs will not seek any payment for satisfaction on the judgment in excess of \$75,000.
2. Defendants, having reviewed Plaintiffs' Motion to Remand with supporting exhibits, and having conducted additional discovery on this issue, hereby inform the court

that they have no objection to the case being remanded, as long as the Plaintiffs do not seek a judgment in excess of \$75,000, nor would be entitled to an amount in excess of same.

Respectfully submitted,



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CARROLL H. SULLIVAN (SULL8646)  
GEORGE M. ZOGHBY (ZOGH4188)  
Attorneys for ICON Health & Fitness, Inc.  
and Sears, Roebuck, & Co.

OF COUNSEL:

SCOTT, SULLIVAN, STREETMAN & FOX  
Post Office Box 1034  
Mobile, AL 36633  
251-433-1346

CERTIFICATE OF SERVICE

I hereby certify that I have this 11<sup>th</sup> day of April, 2006, served a copy of the foregoing upon counsel to all parties to this proceeding by placing the same in the United States Mail, properly addressed and first class postage prepaid:

David E. Allred, Esquire  
David E. Allred, P.C.  
Post Office Box 241594  
Montgomery, Alabama 36124-1594



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OF COUNSEL